

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

HARK'N TECHNOLOGIES, INC.,
Plaintiff,
vs.
ORANGE WHIP FITNESS X, LLC,
Defendant.

SPECIAL VERDICT FORM

Case No. 1:21-cv-00054-CMR
Magistrate Judge Cecilia M. Romero

MEMBERS OF THE JURY:

When filling out this Special Verdict Form, please follow the directions provided throughout the form. Read the questions and directions carefully. They explain the sequence in which the questions should be answered.

Your answer to each question must be unanimous.

Your findings are by a preponderance of the evidence.

Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions.

I. TRADE DRESS INFRINGEMENT (LANHAM ACT)

1. Has Hark'n Tech proven it has a protectable trade dress?

Answer "Yes" or "No" Yes

If your answer is "Yes," then go to Question No. 2. If your answer is "No," then go to Section II, Unfair Competition (Utah Common Law).

2. If you answered "Yes" to Question No. 1, has Hark'n Tech proven that Orange Whip infringed Hark'n Tech's trade dress?

Answer "Yes" or "No" Yes

If your answer is "Yes," then go to Question No. 3. If your answer is "No," then go to Section II, Unfair Competition (Utah Common Law).

3. If you answered "Yes" to Question No. 2, do you find that Orange Whip's infringement of Hark'n Tech's trade dress was willful?

Answer "Yes" or "No" Yes

If your answer is "Yes," then, before going to Section III, Damages, go to Section II, Unfair Competition (Utah Common Law). If your answer is "No," then still go to Section II, Unfair Competition (Utah Common Law).

II. UNFAIR COMPETITION (UTAH COMMON LAW)

1. Has Hark'n Tech proven that Orange Whip engaged in unfair competition?

Answer "Yes" or "No" Yes

If your answer is "Yes," then go to Question No. 2. If your answer is "No," then go to Section IV, Unjust Enrichment.

2. If you answered "Yes" to Question No. 1, do you find that Orange Whip's behavior was willful?

Answer "Yes" or "No" Yes

If your answer is "Yes," then go to Section III, Damages.

III. DAMAGES

1. If you answered "Yes" to whether Hark'n Tech proved its claims of either trade dress infringement or unfair competition, what amount of profits did Orange Whip receive as a result of its willful trade dress infringement and/or unfair competition?

Amount \$ 978,024.00

IV. UNJUST ENRICHMENT

1. Has Hark'n Tech proven the elements of its unjust enrichment claim against Orange Whip?

Answer "Yes" or "No" Yes

If your answer is "Yes," then go to Question No. 2. If your answer is "No," then go to the Certification at the end of this form and have the foreperson sign and date this form.

2. If you answered "Yes" to Question No. 1, what is the total dollar amount, if any, that Hark'n Tech is entitled to receive as a result of Orange Whip's unjust enrichment that excludes the amount listed in response to Section III, Damages?

Amount \$ 37,500.00

INSTRUCTIONS

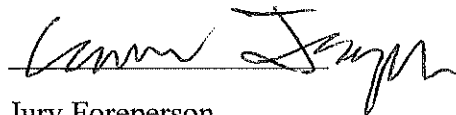
After you have completed the questions as directed above, the Jury Foreperson is to date and sign this Special Verdict Form on behalf of the jury and notify the Court Security Officer that you have reached a verdict.

CERTIFICATION

We, the jury, unanimously agree to the answers to the foregoing questions and return this form as our verdict in this case.

The verdict is not final until accepted by court.

DATED this 25 day of April, 2025.


Jury Foreperson